FISCAL NOTE

SB 273 - HB 967

February 14, 2013

SUMMARY OF BILL: Mandates that a qualified protective order authorizing an interview with a treating healthcare provider outside the presence of a claimant or claimant's counsel in a healthcare liability action require that the defendant or defendants who conducted the interview destroy or return at the end of litigation any protected health information obtained in the interview, including all copies, and expressly provide that participation in any such interview by a treating healthcare provider is voluntary.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tenn. Code Ann. § 29-26-121(f)(1)(C) currently requires a protective order to limit dissemination of any protected health information obtained pursuant to the order to the litigation pending before the court.
- The proposed legislation affects the language of a qualified protective order relative to the treatment of protected health information that was obtained pursuant to the order and the nature of the participation of a treating healthcare provider in an interview authorized by the order.
- According to the Administrative Office of the Courts, the proposed legislation will affect the processes of litigation in the court system, but there will be no fiscal impact on the courts.
- According to the Department of Health, the Department could potentially be affected by the proposed legislation if the Department has provided health care to a claimant who has filed an action against another healthcare provider or if the state is a party to an action due to the actions of a Department healthcare practitioner. According to the Department, any cost incurred will be not significant and can be accommodated within the existing resources of the Department without an increased appropriation or decreased reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Lucian D. Geise, Executive Director

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